

Atty. Dkt. No. 035451-0121 (3602.Palm)

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 5, 6, 12, 13, 24, 25, 32, and 33 are requested to be cancelled without prejudice.

Claims 1, 10, 20, and 28 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-4, 7-11, 14-23, 26-31, 34, and 35 are now pending in this application.

**Claim Rejections – 35 U.S.C. § 102**

In Section 3 of the Office Action the Examiner rejected claims 1-4, 8-10, and 14-19 under 35 U.S.C. § 102(e) as being anticipated by Parvulescu et al. (U.S. Patent No. 6,687,497). The Examiner indicates that Parvulescu et al. discloses all of the elements recited in independent claims 1 and 10. Applicants have amended independent claims 1 and 10 to include limitations of encrypting and decrypting the shutdown signal data. Accordingly, the claim rejections under 35 U.S.C. § 102 are no longer applicable because Parvulescu et al. does not disclose or teach encrypting or decrypting the shutdown signal data.

**Claim Rejections – 35 U.S.C. § 103**

In Section 22 of the Office Action the Examiner rejected claims 5, 6, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Parvulescu et al. in view of Bluestein et al. (U.S. Patent No. 4,531,021). The Examiner indicates that Parvulescu et al. teaches a method of disabling at least a portion of at least one personal electronic device on board a vehicle and

Atty. Dkt. No. 035451-0121 (3602.Palm)

Bluestein et al. teaches a method of encrypting RF signals at a transmitter. The Examiner states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to encrypt the RF signals sent by a transmitter as per the teachings of Bluestein et al. and include it into the method of RF signal transmission taught by Parvulescu et al. in order to securely transmit RF signals between the transmitter and a receiver and further protect transmitted signals from unauthorized use. Similarly, in Section 24 of the Office Action the Examiner rejected claims 6 and 13, which is the decryption limitation of the claim. The encryption and decryption limitation of the claims have been incorporated into independent claims 1 and 10. Therefore, the Examiner's rejections of claims 5, 6, 12, and 13 are applicable to amended independent claims 1 and 10.

Most if not all inventions arise from a combination of old elements. See In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457 (Fed. Cir. 1998). Thus, every element of a claimed invention may often be found in the prior art. See id. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. See id. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. See In re Dance, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). Applicants do not see that any desirability for making the combination of Parvulescu et al. and Bluestein et al. has been provided by the Examiner. The Applicants provided advantages of using encryption and decryption in their specification, at paragraph [0020] on page 6. Because what is described by Applicants is such a critical application, that is the disabling of RF devices on an aircraft which could potentially threaten the safety of the aircraft, it may be desirable to encrypt signals made by transmitter 150 and to decrypt the signals received by the device itself. Otherwise, without encryption/decryption, anyone having an RF transmitter could send a signal to turn all of the devices on and thereby potentially disrupt guidance or other critical systems on the aircraft. Accordingly, Applicants conceived of the advantages to encrypt and decrypt the signals being sent from the vehicle

Atty. Dkt. No. 035451-0121 (3602.Palm)

systems to the RF receivers on the electronic device. Nowhere in Parvulescu et al. is there any teaching, motivation or suggestion that there is a need for encryption or decryption of the shutdown signals transmitted from the vehicle system to the personal electronic device. Parvulescu et al. simply did not contemplate such a need or desirability. Although Bluestein et al. contemplates that cryptography may be used in communication systems, there is no suggestion or motivation to combine it with a system, such as the system disclosed in Parvulescu et al., to arrive at Applicants' invention. In fact, Bluestein et al. strictly teaches the encryption and decryption of broadcast communication signals. Accordingly, there is no motivation, suggestion, or teaching of the desirability of making the combination of Parvulescu et al. and Bluestein et al. in order to establish obviousness based on a combination of elements which may be disclosed in the references of Parvulescu et al. and Bluestein et al. Thus, Applicants respectfully submit that independent claims 1, and 10 are not obvious under Parvulescu et al. in view of Bluestein et al. Therefore, independent claims 1, and 10 and their respective dependent claims are therefore allowable.

In Section 25 of the Office Action the Examiner rejected claims 24, 25, 32, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Parvulescu et al. in view of Beamish et al. (U.S. Patent No. 6,694,143) as applied to claims 20 and 28 and further in view of Bluestein et al. The Applicants respectfully submit that the teachings of Parvulescu et al. and Beamish et al. are similar and that the addition of Beamish et al. does not provide any motivation or suggestion as to the desirability of making the specific combination of Parvulescu et al., Beamish et al., and Bluestein et al. Accordingly, Applicants respectfully submit that the arguments made with regard to independent claims 1 and 10 are equally applicable to independent claims 20 and 28 which include the encryption and decryption limitations of claims 24 and 25 and 32 and 33 respectively. Therefore, based on those arguments, Applicants respectfully submit that independent claims 20 and 28 and their respective dependent claims are allowable.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Atty. Dkt. No. 035451-0121 (3602.Palm)

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date

October 19, 2004

By

Alistair K. Chan

FOLEY & LARDNER LLP  
777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-5306  
Telephone: (414) 297-5730  
Facsimile: (414) 297-4900

Alistair K. Chan  
Attorney for Applicant  
Registration No. 44,603